

Town of Weare

2015 Zoning Amendment Information

Bold text means it will be added to the article and ~~striketrough~~ of the text means it will be deleted.

ARTICLE 2

Are you in favor of the adoption of **Amendment No. 1** set forth in the town warrant as proposed by the Planning Board for the Town of Weare as follows:

To revise Article 19.1.10.1, which is the current provision governing an ‘accessory apartment’, to limit such use to no more than one (1) bedroom. (**Recommended** by the Planning Board)

The article would read:

Article 19.1.10.1

An accessory apartment shall be clearly incidental to the primary use of the property for single dwelling, and as such accessory living space shall not exceed six hundred fifty feet, **and not contain more than one bedroom.**

ARTICLE 3

Are you in favor of the adoption of **Amendment No.2** set forth in the town warrant as proposed by the Planning Board for the Town of Weare as follows:

To revise Article 22.9, by deleting the phrase ‘new homes and commercial buildings’ from that article, which article is a provision dealing with the existing requirement to achieve ‘compatible architectural styles’ on certain structures in several ‘Designated Village Districts’ so that the provision will now apply to all structures. (**Recommended** by the Planning Board)

The article would read:

Article 22.9 Architectural Design of Buildings: Compatible Architectural Styles – The exterior of all ~~new homes and commercial buildings~~ **structures** within the Designated Village Districts shall be architecturally compatible with the historic building details in those districts. It is the responsibility of the property owner or their representative to demonstrate to the Planning Board, using architectural drawings, photos, etc., how this will be accomplished. Sides of structures, not directly visible from public roads will be allowed some leniency of these details to style, to be determined by the Planning Board on a case by case basis.

ARTICLE 4

Are you in favor of the adoption of Amendment No.3 set forth in the town warrant as proposed by the Planning Board for the Town of Weare as follows:

To add three new sections to Article 3.13, which is the article that governs the conditions under which the planning board may grant Conditional Uses, which three articles provide additional procedural and substantive standards governing the exercise of discretion by the planning board. Said three sections will be numbered Sections 3.13.2, 3.13.3, and 3.13.4 and are entitled 'Application Procedures' (Article 3.13.2), 'Criteria for Granting a Conditional Use Permit' (Article 3.13.3), and 'Existing Non-Conforming Uses' (Article 3.13.4). The full text of each change can be found in the Town Clerk's office. (**Recommended** by the Planning Board)

The full text is as follows:

29.7.2.1 **APPLICATION PROCEDURES:** Application for a Conditional Use Permit shall be made on forms supplied by the Planning Board and shall include such information as the Planning Board may require.

29.7.2.2 **CRITERIA FOR GRANTING A CONDITIONAL USE PERMIT:** More than 10% of a single lot may be rendered impervious to infiltration if the applicant demonstrates that the result of the project and/or use (a) will provide a greater rate of infiltration than the 10% impervious, (b) will not result in any degradation of the quality of the groundwater and (c) will have no significant negative environmental impact to abutting or downstream properties and/or hydrologically-connected water resources. The Planning Board may impose such conditions on the project and/or use as it determines will better promote the purposes of this article, and may require a performance guarantee or bond in an amount, not to exceed 1.5 times the cost, and form acceptable to the Board be posted to ensure compliance with the terms and conditions of the conditional use permit. Prior to making a decision on any conditional use permit application, the Planning Board shall afford the Conservation Commission an opportunity to review and comment on the application.

29.7.2.3 **EXISTING NON-CONFORMING USES:** Expansion of existing non-conforming uses or structures shall be allowed when demonstrated that the expansion will result in a more conforming site or use with greater protection of the groundwater resource.

ARTICLE 5

Are you in favor of the adoption of Amendment No. 4 set forth in the town warrant as proposed by the Planning Board for the Town of Weare as follows:

To modify existing Article 30-A.3.1.3, which is a section in the article that governs design standards relating to changes to the exterior of construction on existing dwelling units in the Mt. Dearborn Historic Area Overlay District to clarify that the same applies to changes to such exterior construction and to identify the particular standard of architectural compatibility that would apply to such changes. The full text of each change can be found in the Town Clerk's office. **(Recommended by the Planning Board)**

The article would read:

30-A.3.1.3 The board finds that, if there is a dwelling unit on the lot, **any change** to the exterior of **the dwelling unit and** any proposed accessory use-conforms in style, appearance and materials to the character and period of the dwelling unit on the lot, or if there is no dwelling unit on the lot, the exterior of any proposed accessory use conforms in style, appearance and materials to the character and period of any dwelling unit with the Mt. Dearborn Road Historic Area Overlay District built prior to 1840, **so that in all cases the exterior of all structures within the District shall be architecturally compatible with the historic building details in the District.** For the purposes of the subsection, examples of accessory uses include, but are not limited to, barns, shed, private road and fences.

ARTICLE 6

Are you in favor of the adoption of Amendment No. 5 set forth in the town warrant as proposed by the Planning Board for the Town of Weare as follows:

To modify existing Article 4.1 which is the Definitions section to insert the following definition of the term 'Driveways': 'DRIVEWAY: Shall mean any access to a lot, tract, or parcel of land. Driveways must be located on the frontage that was used to determine the minimum lot size.' Also, to add a new Article in the Zoning Ordinance entitles 'ARTICLE 36 DRIVEWAYS' which article provides procedural and substantive requirements for the construction of driveways. The full text of each change can be found in the Town Clerk's office. **(Recommended by the Planning Board)**

The full text is attached.

ARTICLE 4.1 DEFINITIONS

DRIVEWAYS: Shall mean any access to a lot, tract or parcel of land. Driveways must be located on the frontage that was used to determine the minimum lot size.

ARTICLE 36

36.1 DRIVEWAYS

36.2 PURPOSE: Driveways are, in effect, intersections. Therefore, they require certain controls to ensure safe access and exits to and from the property, as well as provide control and discharge of surface drainage in and around the entrance. The driveway standards in this section shall apply to the entire driveway, from the roadway to the structure, including any parking areas. For authority see RSA 236:13. All driveways connecting to the Town roads must be built and maintained in accordance with these specifications. A driveway permit must be obtained from the Code Enforcement Officer for every driveway, and any driveway over 400 feet must also receive approval from the Fire Chief.

The construction authorized by the issuance of a permit hereunder shall be completed within one year from the date of issuance, at which time the permit shall expire. Renewals may be granted by the CEO for good cause shown, provided, however, that no more than 3 one-year renewals may be issued.

36.2 PERMIT REQUIRED:

36.3.1 Temporary Driveway Construction: Permits are also required for temporary access to any designated Class V, Class VI or proposed public roadway, such as for logging and other activities. Permits for temporary access shall expire one year after issuance. Upon expiration, all temporary driveways must be regraded to original conditions and the access obstructed. Temporary driveways are exempt from the entrance specifications (f) through (j) and from the geometric standards in this section. The person or entity seeking such a permit shall complete an application for such permit which shall be accompanied by a sketch, drawing or plan identifying the proposed work on the driveway, and the applicant may be required to provide security to ensure that any damage or alteration to the public highways of the Town of Weare occasioned by such construction or use will be repaired as required.

36.3.2 Permanent Driveway Construction: A permit shall be obtained from the Code Enforcement Officer for the construction or reconstruction of a permanent driveway connecting to any designated Class V, Class VI or proposed public roadway. The person or entity seeking such a permit shall complete an application for such permit which shall be accompanied by a sketch, drawing or plan which will identify the proposed work on the driveway and demonstrate to the CEO that the proposed driveway will conform to the specifications contained below in this ordinance.

36.3.3 Driveway Modifications: A permit must be obtained before beginning any modification, paving or repaving of an existing driveway. Only that portion of these regulations relating to the area within the town right of way shall apply.

36.3.4 Entrance Specifications:

36.3.4.1 No part of any driveway, including flares, shall be constructed outside of the applicant's frontage.

36.3.4.2 Driveways cannot interrupt the natural or ditch-line flow of drainage water. In some cases where shallow ditch lines or natural drainage courses exist, driveways may be swaled at a point beyond the road shoulder to accommodate the flow of storm water. In all other cases, driveways must have sufficiently sized culverts installed and maintained by the landowner. In any case in which a driveway is being installed relative to a lot that was part of a subdivision plan approved by the planning board, the driveway construction shall be consistent with and not interfere in any way with appropriate stormwater management plans that are applicable to that subdivision. Additionally, such driveway construction shall comply with storm water statutes, rules and regulations.

36.3.4.3 Public Works Department shall determine if a culvert is necessary to carry storm water runoff from the town roadway. The size is to be determined by Public Works Department; the minimum size is 15" diameter.

36.3.4.4 An all-season safe sight distance of 200 feet in each direction is required unless the Public Works Department determines a lesser distance is satisfactory under the particular circumstances.

36.3.4.5 Driveways shall intersect the roadway at a preferred angle of 90 degrees but in no case shall the intersecting angle be less than 60 degrees.

36.3.4.6 Return radii for driveway flares shall not exceed 25 feet.

36.3.4.7 No centerline of a driveway will be permitted to be constructed within 100 feet of the centerline of a street intersection unless the Public Works Department determines a lesser distance will suffice to protect public safety.

36.3.4.8 Driveways must be constructed 30 feet wide where they meet the traveled way, tapered to 16 feet with a -2% slope from the traveled way for a distance of 8 feet or to the centerline of ditch, whichever distance is less.

36.3.4.9 Any driveway entering a paved road must have an 8-foot paved apron from edge of pavement.

36.3.5 Geometric Standards

36.3.5.1 The minimum allowable unobstructed width of a driveway shall be 16 feet, consisting of a 12-foot travel way with a 2-foot shoulder on each side.

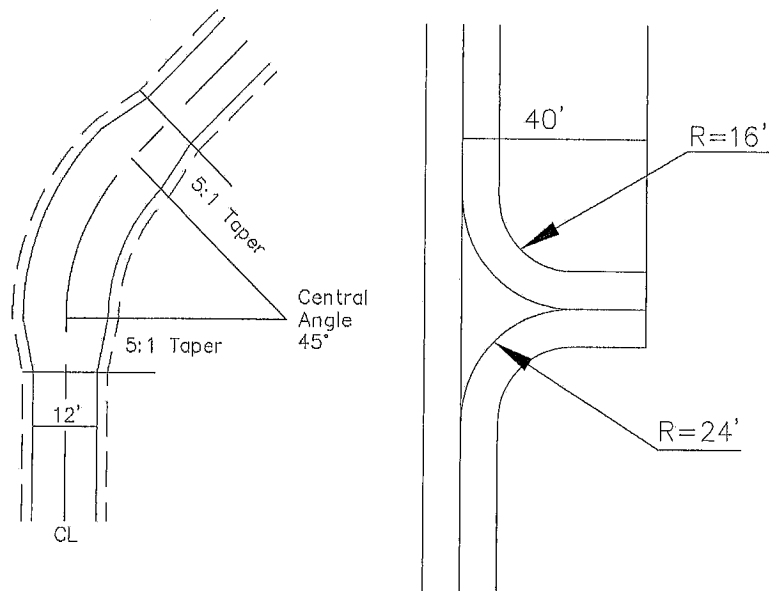
36.3.5.2 An erosion and sedimentation control plan is required for all portions of every driveway that drains towards the roadway. Driveways over 100 feet and with a down slope towards the road, must address the additional runoff with either remediation or off-site improvements. This plan is to be prepared by a Professional Engineer or Certified Professional in Erosion and Sedimentation Control. The Code Enforcement Officer may waive this requirement, if conditions warrant.

36.3.5.3 The maximum allowable grade of a driveway (positive or negative) shall be 10%, provided, however, that the planning board may grant a conditional use permit in accordance with Weare Zoning Ordinance Article if the board determines that construction does not adversely affect the environment or the public interest and the applicant has secured a favorable recommendation from the Fire Chief.

36.3.5.4 Access must be to within 50 ft of each dwelling.

36.3.5.5 Minimum vertical clearance height must be 13 ft 6 in.

36.3.5.6 The minimum centerline radius is 42 feet. An additional 4 ft of travel way width is required for curves with a horizontal inside radius of less than 100 ft and a central angle greater than forty-five degrees. This additional width shall begin at the point of curvature and continue to the point of tangency and includes any subsequent reverse curve. A 5:1 taper shall be used to transition from the base width into and out of the widened width.



36.3.5.7 An all-weather travel way surface shall be capable of supporting load imposed by fire apparatus. An approved all-weather driveway surface means suitable aggregate material over compacted sub-grade soil.

36.3.5.8 All driveways exceeding 150 ft in length shall have a turnaround constructed. If a turnaround is required it must conform to the following:

36.3.5.8.1 Be within 150 ft of dwelling. Can be T-, Y-, or circular in shape, T- and Y- shapes require minimum 40 ft legs as measured from driveway centerline.

36.3.5.8.2 Circular shape requires minimum 42 ft radius on the driveway centerline.

36.3.5.9 All driveways exceeding 800 ft in length shall have a turnout constructed at approximately the midpoint of the driveway and continuing approximately every 400 ft along the entire length of the driveway. If a turnout is required it must conform to the following:

36.3.5.9.1 Minimum 50 ft long to create travel width of 20 ft allowing two-way travel on driveway.

36.3.5.9.2 Reasonably located, based on sight distance, road curvature, and grade.

36.3.5.10 All gate entrances and similar structures shall have a net clear opening of 16 feet. All gates providing access from a public road shall be located at least 30 ft from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the roadway. Where a gated entrance is

locked, a lock box or other emergency release device approved by the Fire Chief shall be provided for emergency access.

36.3.5.11 When a bridge is required as part of a driveway, it is to be constructed and maintained in accordance with nationally recognized standards and have a designed live loading capacity sufficient to carry the imposed load of fire apparatus. An evaluation by a professional engineer will be required to determine the imposed load rating for all of the responding fire apparatus and shall be approved by the Fire Chief. Vehicle load limits shall be posted at both entrances to the bridge.

36.3.6 Compliance Inspections

36.3.6.1 The Code Enforcement Officer may require a certification or as-built plans prepared by a licensed land surveyor to demonstrate actual centerline grade. The CEO may issue a cease and desist order if this requirement is not met.

36.3.6.2 A pre-paving inspection is required in order to verify compliance. The CEO may issue a cease and desist order if this requirement is not met.

36.3.6.3 Both the Fire Chief and Public Works Department shall inspect the driveway for compliance with these specifications prior to the issuance of the Certificate of Occupancy.

36.3.6.4 A certificate of occupancy shall be issued only if all of the provisions of these driveway regulations, and in particular the requirements of 6a, 6b, and 6c, have been satisfactorily completed.

ARTICLE 7

Are you in favor of the adoption of Amendment No. 6 set forth in the town warrant as proposed by PETITION AS FOLLOWS: 'To repeal "Article 34-Sign Ordinance" of the Town of Weare, NH Zoning Ordinance in its entirety'. (By Petition) (**NOT Recommended** by the Planning Board)

ARTICLE 8

Are you in favor of the adoption of Amendment No. 7 set forth in the town warrant as proposed by PETITION AS FOLLOWS: 'To amend the Town of Weare Zoning Map by modifying the zoning of 2 parcels known as Weare Tax Map 404, Lots 136 and 172, and said parcels being located on 166 Shady Hill Road, to change the zoning for Map 404, Lots 136 and 172 from Rural Agricultural [RA] to Residential [R]? (By Petition) (**NOT Recommended** by the Planning Board)